

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

IN RE: VERONICA SAENZ DEBTOR(S)	§ § § § § §	CASE NO. 22-20164 CHAPTER 13
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OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, PLANET HOME LENDING, LLC AS ATTORNEY IN FACT AND SERVICER IN FACT FOR ARCPE 1 LLC, ("ARCPE") and files its Objection to Confirmation of Chapter 13 Plan, and would respectfully show as follows:

SUMMARY

Debtor's schedules and plan incorrectly represent that Debtor had no arrears to PHH mortgage as of petition date, but on August 3, 2022, PHH filed an Objection to the plan indicating Debtor was in arrears \$85,985.20 on petition date. Further, Debtor lists ARCPE as a secured creditor to be paid through the plan despite the fact ARCPE foreclosed on the property pre-petition on June 7, 2022. ARCPE had filed an eviction action against Debtor which is not disclosed in the Statement of Financial Affairs and this bankruptcy was filed just days before a hearing in that matter.

Debtor was well aware she had substantial arrears on her 1st mortgage and that ARCPE had foreclosed the 2nd mortgage, yet filed schedules that did not disclose this information. Debtor was aware she was a Defendant in the eviction proceeding yet did not disclose that proceeding.

The plan is wholly infeasible given it does not include the over \$85,000 owed on the 1st mortgage or acknowledge the foreclosure by ARCPE on the 2nd mortgage. Accordingly, ARCPA asks confirmation be denied.

REVIEW

1. ARCPE previously held a perfected security interest in all that certain real property described to wit:

LOT 13, BLOCK 3, PARADE PLACE UNIT 2, AN ADDITION TO THE CITY OF CORPUS CHRISTI, TEXAS, NUECES COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 45, PAGE 133, MAP OR PLAT RECORDS OF NUECES COUNTY, TEXAS, MORE COMMONLY KNOWN AS 525 POENISCH DRIVE, CORPUS CHRISTI, TX 78412 ("Property")

2. On April 6, 2006, Debtor borrowed \$39,200.00 under a second mortgage which ARCPE acquired.

3. Debtor defaulted and ARCPE foreclosed its lien June 7, 2022.

4. An eviction hearing was scheduled for July 11, 2022 at 10:30 AM in the Justice of Peace Court, Precinct 2, Position 1, Nueces County, Texas under Cause No. 22EV-0370-JP21.

5. Debtor filed the instant case July 9, 2022.

6. On July 18, 2022, ARCPE filed its Motion for Relief from Stay which set forth the foreclosure of the property on June 7, 2022. See DK# 10.

7. Despite knowing of the foreclosure by ARCPE and the substantial arrears to PHH on the 1st lien, Debtor filed scheduled on July 25, 2022 which i) listed ARCPE as a secured creditor, and ii) listed PHH as a secured creditor on the property but listed no arrears. Debtor also filed Statement of Financial Affairs which did disclose the foreclosure, but not the eviction proceeding which was abated by this filing days before said hearing. DK# 14.

8. Also on July 25, 2022, Debtor filed a proposed Chapter 13 plan. Debtor attempts to list ARCPE as to be cured in the plan despite the foreclosure and also lists PHH in paragraph 10 of the plan as a secured debt for which there is no default. See DK# 15, p. 7.

10. Secured Debts on Which There is No Default and to be Paid Directly by the Debtor(s).

A. The claims held by the following secured creditors will be paid by the Debtor(s) (and not paid through the Trustee) in accordance with the pre-petition contracts between the Debtor(s) and the holder of the claim secured by a security interest:

Name of Holder Collateral for Claim	Total Claim on Petition Date	Collateral Value on Petition Date	Contract Interest Rate	Monthly Payment	Date Last Payment is Due
PHH MORTGAGE <u>Security for Claim</u> PARADE PLACE #2 BLK 3 LOT 13 525 Poerisch Dr Corpus Christi, TX 78412 <u>Remarks</u> Senior Lien - to be paid direct	\$210,680.05	\$231,657.00	0.00%	\$1,598.48	

B. Each claim secured by a security interest is designated to be in a separate class.

9. PHH filed its Objection to Confirmation on August 3, 2022 and indicated that as of petition date Debtor was in default on the PHH loan for over \$85,000, which significantly contradicts the schedules and plan. DK# 29.

10. Debtor's proposed plan is wholly infeasible and did not disclose either the substantial arrears owed to PHH on the 1st mortgage or the fact ARCPE foreclosed pre-petition on the 2nd mortgage. Accordingly, ARCPE requests confirmation be denied.

Wherefore, premises considered, ARCPE prays the Court deny confirmation and grant such further and other relief as the Court deems just.

Respectfully submitted:


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ATTORNEY FOR PLANET HOME LENDING, LLC
 AS ATTORNEY IN FACT AND SERVICER IN FACT
 FOR ARCPE I LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objection to Confirmation of Debtors' Chapter 13 Plan has been sent by electronic mail or by first class U. S. Mail, postage prepaid on the 4th day of August, 2022, to the following:

DEBTOR VERONICA SAENZ
525 POENISCH DRIVE
CORPUS CHRISTI, TX 78412

TRUSTEE
YVONNE V VALDEZ
CHAPTER 13 TRUSTEE
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